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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,128	10/03/2003	Wayne R. Lumpkin	AVID.19	2259

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EXAMINER	
JOHNSON, MATTHEW A	
ART UNIT	**PAPER NUMBER**
3682	
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11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/679,128	LUMPKIN, WAYNE R.	
	Examiner	Art Unit	
	Matthew Johnson	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "each threaded bore having a length less than a select length". Use of this phrase is unclear rendering the claim indefinite. The specification does not provide a definition or an explanation of this phrase, and one of ordinary skill in the art would not be able to ascertain the scope of the claim. What is considered a "select length"?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 8-10, 14-16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen (USP-6,186,027).

Re clm 1: Nielsen discloses a clamp structure comprising a(n):

- First arm (36,42A) having a distal end (42A) defining a first threaded through bore (42A, C3 L25-28)
- Second arm (36,42B) having a distal end (42B) defining a second threaded through bore (Figure 3, C3 L25-28), wherein the first threaded bore and the second threaded bore are essentially coaxial (Fig. 3)
- Screw (40) comprising a head and a shank, the head being at one end of the shank and the shank having a threaded portion at a second end opposite the first end and a non-threaded clearance portion between the threaded portion and the head (Fig. 3), the screw being configured so that with a threaded engagement between the threaded portion of the shank and either the first threaded through bore of the first arm or the second threaded bore of the second arm and the head abutting the other of the first and second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores
- Frame (38)

Re clm 4: Nielsen discloses a clamp structure wherein each of the first and second arms have a proximal end (34) attached to a bicycle component (8).

Re clms 6: Nielsen discloses a method of attaching a clamp to a frame comprising:

- Providing a frame (38)
- Providing a symmetric clamp structure (36, 42A, 42B) comprising a first arm (36, 42A) having a distal end (42A) defining a first threaded bore (C3 L25-28), a second arm (36, 42B) having a distal end (42B) defining a second threaded bore (C3 L25) wherein the first threaded bore and the second threaded bore are essentially coaxial (C3 L22) and have essentially the same size and pitch threading (Fig. 3)
- Providing a screw (40) comprising a head and a shank, the head being at one end of the shank and a threaded portion being at a second end of the shank opposite the first end (Fig. 3), the threaded portion being sized to threadably engage both the first and second threaded bores, the shank further comprising a clearance portion between the threaded portion and the head (Fig. 3)
- Engaging the screw with the clamp by screwing the threaded portion into a threaded engagement with either of the first and second threaded bores such that the head abuts the arm opposite the threaded engagement and the clearance portion clears the threads of the threaded bore opposite the threaded engagement (screw 40 is capable of being screwed into either bore)
- Placing the clamp over the frame so that the frame is received between the first and second arms of the clamp (Fig. 3)

- Tightening the screw thereby driving the distal ends of the first and second arms toward each other, thereby attaching the clamp to the frame (C3 L23-25)

Re clms 7 and 8: Nielsen discloses the frame is a tubular bicycle handlebar/frame (38, handlebar is part of the frame).

Re clm 9: Nielsen discloses removing the screw from threaded engagement with either of the first and second arms and engaging and tightening the screw in an opposite orientation such that the screw is threadably engaged with the other arm (Fig. 3, the clamp structure allows for such an arrangement and one of ordinary skill in the art would recognize the feasibility of such an arrangment).

Re clm 10: Nielsen discloses a method of manufacturing a symmetrical clamp structure comprising:

- Providing a clamp body (36) having a first arm (36, 42A) having a distal end (42A) and a second arm (36, 42B) having a distal end with the distal end of the first arm and the distal end of the second arm being substantially adjacent to each other and defining a gap between the arms (Fig. 3)
- Forming coaxial cylindrical threaded bores (C3 L21-28) through the distal ends of the first and second arms, each threaded bore having a length less than a select length;

- Providing a screw having a head at one end and a threaded shank extending from the head to an opposite end with the threaded shank being sized to threadably engage the threaded bores through the distal ends of the first and second arms
- Forming a clearance portion on the shank of the select length between the head and the opposite end of the shank such that the clearance portion extends toward but not to the opposite end, leaving a portion of the shank opposite the head threaded (Fig. 3)
- Assembling the clamp by threadably engaging the screw with either of the first and second threaded bores (screw 40 is capable of being screwed into either bore) such that the head abuts the arm opposite the threaded engagement and the clearance portion clears the threads of the threaded bore opposite the threaded engagement

Re clms 14-16: Nielsen further discloses the clearance portion being non-threaded (Fig. 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (USP-6,186,027) further in view of Steinbock (USP-6,381,827).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbein in view of Nielsen (USP-6,186,027) further in view of Steinbock (USP-6,381,827).

Re clms 2, and 3: Nielsen discloses all of the claim limitations as described above.

While Nielsen does indeed disclose the clearance portion has an outer diameter sized to clear the first and second threaded bores (C3 L28), Nielsen does not disclose that the clearance portion has a length that exceeds an axial length of each threaded bore.

Steinbock teaches that the length of the clearance portion (20) exceeds an axial length of each threaded bore for the purpose of allowing a large shear area which can prevent stripping of the threads (Column 5, lines 35-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a screw where the length of the clearance portion exceeds an axial length of each threaded bore, as taught by Steinbock, for the purpose of allowing a large shear area which can prevent stripping of the threads (Column 5, lines 35-42).

7. Claims 1, 4, 5, 11 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbein (USP-5584210) in view of Nielsen (USP-6,186,027).

Re clm 1: Gelbein discloses a symmetric clamp structure comprising a(n):

- First arm (right side of 32) having a distal end (54) defining a first threaded through bore (56, C3 L26)
- Second arm (left side of 32) having a distal end (54) defining a second through bore (56)
- Screw (58) comprising a head and a shank, the head being at one end of the shank and the shank having a threaded portion (58) at a second end opposite the first end

Gelbein discloses all of the claimed subject matter as described above.

Gelbein does not disclose a second threaded through bore, wherein the first threaded through bore and the second threaded through bore are essentially coaxial, and a screw having a clearance portion between the threaded portion and the head, the screw being configured so that with a threaded engagement between the threaded portion of the shank and either of the first threaded through bore of the first arm or the second threaded through bore of the second arm and the head abutting the other of the first and second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores.

Nielsen teaches a clamp (36, 42A, 42B) comprising a first threaded bore (42A, C3 L25-28) and a second threaded bore (42B), wherein the first threaded bore and the second threaded bore are essentially coaxial (C3 L22), and a screw (40) having a clearance portion between the threaded portion and the head (Fig. 3), the screw being configured so that with a threaded engagement between the threaded portion of the shank and one of the first and second threaded bores and the head abutting one of the first and second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded bores (Fig. 3), for the purpose of drawing the lugs together so as to compress the tubular member about the handlebar thereby locking the handlebar in place (C3 L21-25) and for positively and securely locking the clamp (C1 L65-66).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have employed in the device of Gelbein a second threaded through bore, wherein the first threaded through bore and the second threaded through bore are essentially coaxial, and a screw having a clearance portion between the threaded portion and the head, the screw being configured so that with a threaded engagement between the threaded portion of the shank and either of the first threaded through bore of the first arm or the second threaded through bore of the second arm and the head abutting the other of the first and second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores, as taught by Nielsen, for the purpose of drawing the lugs together so as to compress the tubular member about the handlebar thereby locking the

handlebar in place (C3 L21-25), and for positively and securely locking the clamp (C1 L65-66).

Re clm 4: Gelbein further discloses each of the first and second arms have a proximal end (26) attached to a bicycle component (40).

Re clm 5: Gelbein discloses the bicycle component (40) is a brake lever (Fig. 3).

Re clm 11: Gelbein discloses a bicycle brake lever comprising:

- A housing (30)
- A lever (40) pivotably attached to the housing
- A clamp (50) attached to the housing
- First (right side of 32) and second (left side of 32) arms configured to receive a bicycle handlebar (12) axially therebetween, each of the first and second arms having a distal end (54), the distal ends having a space therebetween (Figs. 1-3), the first arm further having a first threaded through bore (56) at its distal end and the second arm further having a second through bore (56) at its distal end
- A screw (58) comprising a head and a shank, the head being at one end and the shank having a threaded portion at a second end opposite the first end (Fig. 3)

Gelbein does not disclose a second threaded through bore, a screw having a clearance portion between the threaded portion and the head, the screw being

configured so that with a threaded engagement between the threaded portion of the shank and either of the first threaded through bore of the first arm or the second threaded through bore of the second arm and the head abutting the other of the first or second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores, such that there is no threaded engagement between the threaded portion of the shank and the other of the first and second threaded through bores.

Nielsen teaches clamp (36) having a first threaded through bore (42A, C3 L25-28), a second threaded through bore (42B), a screw (40) having a clearance portion between the threaded portion and the head (Fig. 3), the screw being configured so that with a threaded engagement between the threaded portion of the shank and either of the first threaded through bore of the first arm (36, 42A) or the second threaded through bore of the second arm (36, 42B) and the head abutting the other of the first or second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores, such that there is no threaded engagement between the threaded portion of the shank and the other of the first and second threaded through bores (Fig. 3) for the purpose of drawing the lugs together so as to compress the tubular member about the handlebar thereby locking the handlebar in place (C3 L21-25), and for positively and securely locking the clamp (C1 L65-66).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have employed in the device of Gelbein a second threaded through bore, a screw having a clearance portion between the threaded portion and the

head, the screw being configured so that with a threaded engagement between the threaded portion of the shank and either of the first threaded through bore of the first arm or the second threaded through bore of the second arm and the head abutting the other of the first or second arms opposite the threaded engagement, the clearance portion resides within the other of the first and second threaded through bores, such that there is no threaded engagement between the threaded portion of the shank and the other of the first and second threaded through bores, as taught by Nielsen, for the purpose of drawing the lugs together so as to compress the tubular member about the handlebar thereby locking the handlebar in place (C3 L21-25), and for positively and securely locking the clamp (C1 L65-66).

Re clm 17: Nielsen further discloses the clearance portion being non-threaded (Fig. 3).

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbein (USP-5584210) in view of Nielsen (USP-6,186,027) further in view of Steinbock (USP-6,381,827).

Re clms 2, and 3: Gelbein in view of Nielsen disclose all of the claim limitations, as described above.

While Nielsen does indeed disclose the clearance portion has an outer diameter sized to clear the first and second threaded bores (C3 L28), Nielsen does not disclose

that the clearance portion has a length that exceeds an axial length of each threaded bore.

Steinbock teaches that the length of the clearance portion (20) exceeds an axial length of each threaded bore for the purpose of allowing a large shear area which can prevent stripping of the threads (Column 5, lines 35-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a screw where the length of the clearance portion exceeds an axial length of each threaded bore, as taught by Steinbock, for the purpose of allowing a large shear area which can prevent stripping of the threads (Column 5, lines 35-42).

Response to Arguments

9. Applicant's arguments with respect to claims 1, 6, 10 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Johnson whose telephone number is 571-272-7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ 11/13/2007

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER